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Docket: 131087-M200 (03179)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

David KUSUMA, et al.

Art Unit: 3727

Serial No.: 10/735,724

Examiner: Stephen J. CASTELLANO

Filed: December 16, 2003

For: COLLAPSIBLE CONTAINER

SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

In accordance with Applicants' duty of disclosure under 37 C.F.R. §§ 1.56, 1.97, and 1.98, Applicants hereby submit copies U.S. D344,210 and U.S. D349,005 together with a copy of a pending U.S. design patent application serial no. 29/234,309 listed on the enclosed Form PTO-1449 in the above-identified application.

Applicants also submit copies of U.S. 3,586,084 and Russian reference RU 2059399 listed on the enclosed Form PTO-1449 that were cited in a Russian Patent Office action dated December 21, 2005, in connection with a related application. Applicants enclose a copy of the Russian Patent Office action

together with an English language translation thereof. A concise explanation of the relevance of the Russian reference, as currently understood, is provided by the English language translation attached to that reference.

Moreover, Applicants submit copies of U.S. 3,220,544, WO 94/24002, JP 09-150833, and FR 1124843 listed on the enclosed Form PTO-1449 that were cited in a European Search Report dated March 21, 2005, in connection with a related application. A copy of the European Search Report, which shows the relevance of each reference, is also enclosed.

The filing of this Supplemental Information Disclosure Statement shall not be construed to be an admission that the information being submitted is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b), or the information cited in the Statement is, or considered to be, in fact, prior art as defined by 35 U.S.C. 102.

Because these references are being submitted before the issuance of a first Office action on the merits in this case, it is not believed that any fee or certification under 37 C.F.R. 1.97 is required. If this is incorrect, the Commissioner is hereby authorized to charge any necessary underpayment of fees and credit any overpayments of fees to Deposit Account No. 04-0120.

Consideration of these references is respectfully
requested.

Respectfully submitted,
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By: 

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Date: 3/15/06

Complete if Known

(Use as many sheets as necessary)

Sheet	1	of	1
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Application Number	10/735,724
Filing Date	December 16, 2003
First Named Inventor	David KUSUMA et al.
Art Unit	3727
Examiner Name	Stephen J. CASTELLANO
Attorney Docket Number	131087-M200 (03179)

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FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
		RU 2059399	05-10-1996	Mikhajlovich		
		WO 94/24002	10-27-1994	Robbins		
		FR 1124843	10-18-1956	Naval		
		JP 09-150833	06-10-1997	Pan Chem		

Examiner
Signature

Date
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

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Your Re No. 0410727/08

Our Re No. 2004136801/12 (040011)

In reply please refer to application No. and date

December 21, 2005

OFFICIAL ACTION

(21) Application No.: 2004136801/12 (040011)

(22) Filing date: 15.12.2004

(86) Application PCT/

(71) Applicant DART INDUSTRIES INC.

(51) IPC⁷ B65D21/08

QUESTIONS, ARGUMENTS, OBJECTIONS, PROPOSALS

Having considered the materials of the application, the Examiner of the Department of Light Industry and Agriculture has found out that a collapsible container is claimed.

The applicant requests to set conventional priority according to the earlier filed applications 10/735,724 and 10/899,314 of 16.12.2003 and 27.07.2004 accordingly filed in the Patent and Trademark Office of the USA.

The application has been examined for the entire scope of features of the claims filed by the applicant.

The examination and search conducted by the Examiner revealed that a collapsible container is known in the prior art. The container comprises a base, a top ring and a wall peripherally fixed to said base and top ring and extending therebetween, said container being adjustable between an expanded position with the top ring spaced upward from said base and forming a container interior, and a collapsed position with said top ring surrounding said base in outwardly spaced substantially concentric relation thereto, said wall comprising multiple upwardly extending peripherally continuous sections which, in the expanded position of said container, angle alternately outward and inward relative to the container interior, said sections, in the collapsed position of said container, being folded on each other and concentrically received between the base and the top ring with the sections encircling the base and in turn being encircled by said top ring (RU 2059399 C1, A47G 19/22, 10.05.1996, total 7 pages). As it follows from above all features of claim 1 are known in the prior art, and therefore the claim does not meet the requirements of patentability as it lacks novelty (Articles 4(1) of the Russian Patent Law).

It should be noted that the features of dependent claims 2-8 are also known from the invention cited above. In the known container each section in the collapsed position is at an angle of divergence to adjacent sections, and this angle is acute (see Figs. 2 and 7), and the sections form V-shaped "openings", each axis of said openings is perpendicular to the base. In the same known device the sections are greater than the base and extend from adjacent sections at obtuse angles in expanded position of the container and joined by flexure zones.

In RU 2059399 in Fig. 5 an example of invention embodiment according to claims 9 and 10 is shown. The base of the known device also has an upwardly projecting bump (claim 13).

The upper ring of claims 14 and 15 including a circumferential outwardly extending flange for grasping as pressure is applied to the base of the container is known from US 3586084, B65D1/26, 22.06.1971 (total 13 pages). The other feature of claim 15 relating to joining the upward wall of the top ring with the uppermost wall by a flexure zone is also known from RU 2059399 wherein clamping means are provided for joining container wall with the top ring (claim 16). What is more there is an element for gripping the bottom of the container fixed on this part. In the same device there is a separate seal (lid) positionable over the top ring and fixed to the ring wall (claim 18). Claim 19 repeats claim 5 entirely.

In US 3586084 the method of forming the collapsible container in collapsed position is described (claim 20).

As it follows from the above the features of the claimed invention are known.

The applicant is advised to review the Examiners objections and arguments. When amending the claims, it should be taken into account that all amendments of substantive features must remain within the scope of the original application (specification) (Article 20(1) of the Russian Patent Law). Further, since the applicant claims conventional priority according to two first applications, the priority dates of the applications must be allocated between the claims of the present application (Rule 19.3.2.5 of the Rules for compiling, filing and examining patent applications). If the allocation is not submitted, the priority of all claims shall be set according to the latest of the two dates.

Enclosed: a copy of patent RU 2059399

Acting Deputy Head

signature

A.O. Schelokov

Patent Claims:

1. A COLLAPSIBLE CONTAINER comprising a tapered reservoir which has the wall thereof made out of a flexible material and which is provided with rigid rings configured in a manner such that the internal diameter of each subsequent ring upward from the base is progressively greater than the external diameter of the preceding ring, characterized in that the difference between the internal diameter of each subsequent ring upward from the base and the external diameter of the preceding ring is no less than two times the thickness of the reservoir wall.
2. The container according to claim 1, characterized in that the longitudinal section of the flexure zones of the reservoir wall, which are confined between the rigid rings, has either a convex or concave shape or, else, a shape similar to that of a sinusoid.
3. The container according to claims 1 and 2, characterized in that the reservoir has an annular bead around the base thereof and is provided with a casing, which has an annular protrusion extending from the internal surface thereof for fitting the reservoir tightly thereto.
4. The container according to claim 1 or 2, characterized in that the lowermost ring or the base of the container reservoir comprises one or more gripping members.